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REMARKS

Claims 1-31 were examined. Applicant hereby requests further examination and reconsideration of the application in view of the following remarks.

Claims 1, 3, 5, 8-9, 11, 13-14, 16-17, 19-21, 24, 26-29 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sainton et al. (U.S. Patent No. 6,934,558).

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Sainton et al. fails to disclose, teach or suggest a mode manager for managing switching of the system between a first mode utilizing a first air interface standard supported by a *first protocol stack* and a second mode utilizing a second air interface standard supported by a *second protocol stack* wherein the *first protocol stack and the second protocol stack are supported concurrently* by at least one chipset of the mobile telephone. Instead, Sainton et al. discloses a standardized radio processing circuit for consumer products having data transmission capability. This radio processing circuit may include a library of command, control and data transmission protocols appropriate for each supported system. Specifically, Sainton et al. discloses that

> a library of command, control and data transmission protocols appropriate for each supported system may be included in circuit 1, and the device can implement the correct protocols by consulting a lookup table during transmissions to obtain the data channel protocols appropriate to the system selected. In another embodiment, the library of command, control, and data transmission protocols may be replaced, or supplemented, by information

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> transmitted over the radio frequencies to the device by the carrier, or information downloaded from a hardwired connection to another device. Flash memory, EEPROMs, or non-volatile RAM can be used to store program information, permitting replacement or updating of the operating instructions used by the device.

Sainton et al., column 5, lines 52-65. Thus, in the Sainton et al. circuit, when a specific command, control or data transmission protocol is required by a system, the circuit must retrieve the protocol from a library by consulting a lookup table or receive the protocol from an external device. Sainton et al. is unclear about how the protocols are stored in the library. However, it appears that only the protocol retrieved from the library or transmitted by an external device is supported by the circuit at any given time. All other protocols remain stored in the library or are not transmitted by the external device. Consequently, Sainton et al. nowhere discloses, teaches or suggests a mobile telephone or a system for controlling a mobile telephone comprising a mode manager for managing switching of the system between a first mode utilizing a first air interface standard supported by a *first protocol stack* and a second mode utilizing a second air interface standard supported by a *second protocol stack*, wherein *the first protocol stack and the second protocol stack are supported concurrently* by at least one chipset of the mobile telephone as presently claimed.

Sainton et al. also fails to disclose, teach or suggest a user interface for communicating information and commands between the first and second protocol stacks and a user for controlling the mobile telephone, and an application layer for reducing the functional interface between the first and second protocol stacks to layers of the first and second protocol stacks subsequent to the user interface, wherein control of the mobile telephone is provided via a single man machine interface that is substantially consistent across the first and second modes as claimed. As noted, in the Sainton et al. device, only one protocol, the protocol retrieved from the library or transmitted by the external device, is supported by the circuit at any given time. Thus, the Sainton et al. device does not require an interface for communicating information and commands between *two concurrently supported protocol stacks* or an application layer for reducing functional

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interface between *the first and second protocol stacks to layers of the first and second protocol stacks subsequent to the user interface.* Consequently, Sainton et al. nowhere discloses, teaches or suggests the user interface and application layer as presently claimed.

Finally, Sainton et al. fails to disclose, teach or suggest that control of the mobile telephone is provided via a single man machine interface that is substantially consistent across the first and second modes. Sainton et al. nowhere specifically addresses the man/machine interface of his device, disclosing only that "the processor may provide only predetermined functions, accessible through a standard applications programming interface..." *Id.*, column 3, lines 53-55. No further discussion of this feature is provided. Consequently, Sainton et al. fails to disclose, teach or suggest that control of the mobile telephone may be provided via a single man machine interface that is substantially consistent across the first and second modes.

With respect to claims 3, 11, 19 and 26, Sainton et al. fails to disclose, teach or suggest a mode manager that comprises a man machine interface manager for translating information between the first air interface mode and the second air interface mode wherein the first protocol stack supporting the first air interface and the second protocol stack supporting the second air interface are supported concurrently by one or more chipsets of the mobile telephone.

With respect to claims 5 and 21, Sainton et al. fails to disclose, teach or suggest a common database for storage of user data utilized by the first and second protocol stacks, wherein the first and second protocol stacks are supported concurrently by one or more chipsets of the mobile telephone.

With respect to claims 8, 16, 24 and 31, Sainton et al. fails to disclose, teach or suggest that the user interface, application layer, and mode manager are integrated with the first protocol stack of concurrently supported first and second protocol stacks.

Claims 2, 10 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sainton et al. in view of Lim (U.S. Patent No. 6, 697,355). As noted by the Patent Office, Sainton et al. fails to teach or suggest a router for routing information to one of the first protocol stack and the second protocol stack. Instead, Lim is relied up for this teaching. However, as previously noted, Lim discloses a router for

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routing information between the protocol stacks of two separate devices over a network.

Specifically, Lim discloses:

> FIG. 5 shows a radio packet data protocol stack used during communication between two mobile hosts according to the present invention. Particularly, the mobile router of the caller opens the radio link protocol (RLP) and the mobile router of the receiver opens the RLP. Afterwards, the PPP, the network layer and the upper layers are opened allowing communication between two mobile stations within the same network.

Lim, column 7, lines 52-60. Consequently, Lim also fails to teach or suggest a router for routing information to one of the first protocol stack and the second protocol stack, wherein the first and second protocol stacks are supported concurrently by one or more chipsets of the mobile telephone. Moreover, there exists no suggestion or motivation from these references, or the prior art in general, to modify the teaching of Sainton et al. or Lim to provide this feature.

Claims 4, 12 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sainton et al. in view of Schenker et al. (U.S. Patent No. 6,633,223).

To establish obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Ryoka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). *See also In re Wilson*, 165 U.S.P.Q. 494 (C.C.P.A. 1970).

As noted by the Patent Office, Sainton et al. fails to teach or suggest a bridge for providing communication of information between the first protocol stack and the second protocol stack. Instead, Schenker et al. is relied upon for this teaching. However, as previously argued, Schenker et al. discloses a system employing bridge architecture for communication between different devices in a network. Specifically, Schenker et al. provides that the

> [b]ridge architecture for communication with access points may employ PC cards, adapters, NDIS, ODI drivers, terminal emulation and standard protocol stacks.

Schenker et al., column 11, lines 61-63. Consequently, Schenker et al. also fails to teach or suggest a bridge for providing communication of information between the first protocol

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stack and the second protocol stack wherein the first and second protocol stacks are supported concurrently by one or more chipsets of the mobile telephone. Moreover, there exists no suggestion or motivation from these references, or the prior art in general, to modify the teaching of Sainton et al. or Schenker et al. to provide this feature.

Claims 6 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sainton et al. in view of Verma et al. (U.S. Pub. No. 2003/00224792). As noted by the Patent Office, Sainton et al. fails to teach or suggest a call database for storing call related data by the first and second protocol stacks. Instead, Verma et al. is relied upon for this teaching. However, Verma et al. fails to teach or suggest a call database for storing call related data by the first and second protocol stacks which are supported concurrently by one or more chipsets of the mobile telephone. Further, there exists no suggestion or motivation from these references, or the prior art in general, to modify the teaching of Sainton et al., or Verma et al. to provide this feature.

Claims 7, 15, 23 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sainton et al. in view of Whinnett et al. (U.S. Patent No. 5,943,333). Claims 7, 15, 23 and 30 depend from independent claims 1, 9, 17 and 24, respectively, and are believed to be allowable for the reasons argued above.

Accordingly, claims 1-31 are believed to be patentable over the cited references for at least the above reasons. Withdrawal of the rejections of claims 1-31 under 35 U.S.C. § 102 and 35 U.S.C. § 103 is therefore requested.

CONCLUSION

Applicant has made an earnest attempt to place this application in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests reconsideration and full allowance of all pending claims.

It is believed no fee is due at this time. However, should the Examiner disagree, please charge the undersigned's Deposit Account No. 19-2179. Please also charge this deposit account, at any time during the pendency of this application, for any additional fees required, or credit any overpayment, pursuant to 37 CFR §1.25.

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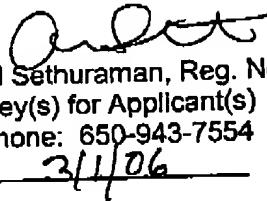
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